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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/288,685    04/09/99    FREDERICK

D    D-1108

EXAMINER
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PM82/0212

RALPH E JOCKE  
231 SOUTH BROADWAY  
MEDINA OH 44256

SHAPIRO, J	
ART UNIT	PAPER NUMBER

3651  
DATE MAILED:

02/12/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

**Office Action Summary**

Applicati n No.

09/288,685

Applicant(s)

FREDERICK, DAVID T.

Examiner

Jeffrey A. Shapiro

Art Unit

3651

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claims 1-56 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- 15) ☐ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

## DETAILED ACTION

### *El ction/R strictions*

Restriction to one of the following inventions is required under 35 U.S.C.

121:

- I. Claims 1-19 and 40-56 drawn to a medical cabinet, classified in class 312, subclasses 330.1, 334.1, 334.4, 334.7 and 351.
- II. Claim 20, drawn to a method of using a cabinet, classified in class 312, subclasses 330.1, 334.1, 334.4, 334.7 and 351.
- III. Claims 21-23, drawn to another method of using a cabinet, classified in class 312, subclasses 330.1, 334.1, 334.4, 334.7 and 351.
- IV. Claims 24-28, drawn to another method of using a cabinet, classified in class 312, subclasses 330.1, 334.1, 334.4, 334.7 and 351.
- V. Claims 29-36, drawn to a medical cabinet, classified in class 312, subclasses 330.1, 334.1, 334.4, 334.7 and 351.
- VI. Claims 29 and 37-39, drawn to a computer controlled medical cabinet, classified in class 700, subclass 236.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II-IV are related as processes and apparatus for their practice. The inventions are distinct if it can be shown that either: (1) the

processes as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the processes outlined in groups II-IV can be practiced by another and materially different apparatus having an enclosure with slots in the side to allow for the selective hanging of drawers, shelves, or other equipment. Such apparatus is well known in the art. In addition, the processes as claimed may be practiced by hand. Furthermore, the apparatus as claimed in other groups, may be used to practice another and materially different process such as another combination of placement of items in the cabinet structure. These invention groups are directed towards subject matter found in class 312, subclasses 330.1, 334.1, 334.4, 334.7 and 351.

Inventions V and IV are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions V and VI are different, despite the linking Claim 29, because Claim 39 of Invention VI is directed towards a medical cabinet with computer-controlled access. Invention IV is directed towards subject matter found in class 700, subclass 236 while Invention V is directed towards subject matter found in class 312, subclasses 330.1, 334.1, 334.4, 334.7 and 351.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

In addition, because these inventions are distinct for the reasons given above and the search required for Group IV is not required for Groups I-V, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (703)308-3423. The examiner can normally be reached on 9:00 AM - 5:00 PM.

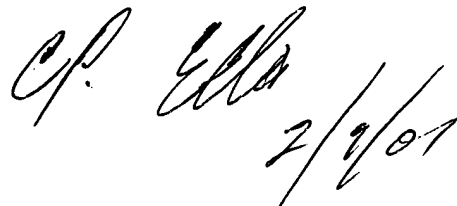
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher P. Ellis can be reached on (703)308-2560. The fax phone numbers for the organization where this application or proceeding is assigned are (703)308-0552 for regular communications and (703)308-0552 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-1113.



Jeffrey A. Shapiro  
Patent Examiner,  
Art Unit 3651

February 5, 2001



CHRISTOPHER P. ELLIS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600